

**PLANNING COMMISSION MINUTES OF JUNE 26, 2006**

**2005-1097 – Cingular Wireless** [Applicant] **City of Sunnyvale** [Owner]: Application for a Use Permit on a 9.6 acre site to allow a wireless antenna on a playing field light standard at the same height and to rebuild the snack stand to incorporate ancillary equipment. The property is located at **834 Lakechime Drive** (Lakewood Park) in a P-F (Public Facility) Zoning District. (Negative Declaration) (APN: 110-24-038) AM

**Andrew Miner**, Principal Planner, presented the staff report. He said staff was able to make the findings and is recommending approval with the attached conditions.

**Comm. Simons** said, in the past, most of the concerns that the Planning Commission had to address related to wireless antennas have been related to the aesthetics of the antenna. He referred to Condition of Approval (COA) 1.1 and said that it appears that something has changed as the COAs are addressing other issues including Radio Frequency (RF) emission measurements. Mr. Miner said that nothing has changed, and that the Planning Commission is limited to making their approval based on the aesthetics. He said the City cannot make their own guidelines as far as issues subject to the federal guidelines. Mr. Miner said that staff would like to have an ambient test and an operational test to make sure the antenna does not exceed federal guidelines. Comm. Simons discussed with staff that based on Cingular Wireless modeling that the proposed site would not exceed 2.25% of the maximum standard. Comm. Simons asked if the Planning Commission would be seeing this on all wireless antenna projects. Mr. Miner said that if the Planning Commission wants to see this on all antenna projects it can be added, but primarily this information is included to assure the public that the antenna are meeting the federal guidelines.

**Comm. Babcock** referred to page five of the report regarding the current snack stand being 50 square feet and the proposed snack stand would be 256 square feet. She asked how the increased space in the snack stand would be divided. Mr. Miner said he was not sure of the breakdown of the space, but he thought it would be about half snack stand and half support equipment. He said that possibly the applicant could give additional explanation of the use within the structure. Comm. Babcock said she did not see anything in the Conditions of Approval (COAs) addressing the timing of the installation so they do not affect the leagues playing at the park. Mr. Miner said he does not think that the Parks and Recreation Department addressed the issue in their findings. He said that the Planning Commission could address the issue in the COAs.

**Comm. Klein** asked staff about the environmental noise for those who are working in the snack shack. Mr. Miner said the type of equipment going inside the shelter does not require air conditioning. He said the units are quiet and once they are enclosed, they would be even quieter so it should not be an issue. Comm. Klein said past equipment has been noisier. Mr. Miner said since these are not air-conditioned the units are quiet. He said there is a small fan in the door which could make a hum, but since the equipment is enclosed the hum should be imperceptible.

**Comm. Sulser** referred to Attachment C, page 3 and 4, commenting that the address is incorrect on the Negative Declaration. Mr. Miner confirmed that the address is incorrect as the wrong form is attached, but that the Negative Declaration is correct.

**Comm. Simons** said that the height of this tower could allow a couple of other carriers on this location. Mr. Miner said he would envision another tower rather than multiple carriers, though it is possible. Comm. Simons said some poles are originally designed for one carrier and then additional carriers strap equipment on the outside of the tower. Mr. Miner said that in a park it would need to be determined if one larger pole is better than a few smaller poles. Comm. Simons asked staff what would be recommended in the COAs. Mr. Miner said if the Planning Commission wants the pole to accommodate multiple carriers then the COA would need to read that the pole be sized so at least two carriers could be accommodated on the pole, or if the Commission would like just one carrier, then the COA would indicate that.

**Trudi Ryan**, Planning Officer, referred to the size of the snack stand and said the building is 256 square feet, with 148 square feet devoted to the snack stand and 108 square feet devoted to the equipment room.

**Chair Hungerford** asked staff about the noise level for the people working in the snack shack area. Mr. Miner clarified that with the source of the noise and the wall dividing the two spaces, that the noise would be imperceptible to the snack shack workers. Chair Hungerford asked about the electromagnetic testing and asked if the towers and equipment would deteriorate over time. Staff said that unless the power of the antenna is increased then the emissions should not change over time.

**Chair Hungerford opened the public hearing.**

**Luke Stamos**, with Ruth and Going, Inc., representing Cingular Wireless, said he filed this application in November of 2005. He said this is their second public hearing, the first with the Parks and Recreation Commission. He said they have had five neighborhood meetings and received a lot of input. He said when they met with the Parks and Recreation people last year that they wanted to make the facility more useable with more storage. He said they have discussed the timing

of construction with the baseball league and assured them that they would not begin construction until the season was completed. He reassured the Commission that noise would not be an issue as the equipment would be insulated and the workers in the snack stand would not hear the equipment. Mr. Stamos said that if another carrier needs to co-locate on the pole that they would be okay with that.

**Comm. Klein** asked Mr. Stamos about the undergrounding of the coax and said it looks like it will go between the snack stand and the pole. He said that it looks like there is a tree in the same area. Mr. Stamos said that Cingular Wireless will not trench the tree and they will stay out of the drip lines. He said they work around trees all the time and are very sensitive to not harming the tree. Comm. Klein said he was hoping to see a tree protection plan as part of the COAs.

**Comm. Simons** asked Mr. Stamos how many providers could be added to this pole. Mr. Stamos said this proposal is only for Cingular Wireless, but they are open to the addition of another carrier if the equipment would fit on the pole. Mr. Stamos said it is not the height of the pole, but the diameter that determines how many carriers can co-locate on a tower. Mr. Stamos said the telecommunication facility is not only a phone, but is also internet and in the future will be television. He said all the new technology will require more cables so it is hard to say how many carriers could co-locate on the tower. Comm. Simons asked Mr. Stamos about their licensing with the FCC. Mr. Stamos said every carrier is monitored by the FCC. Comm. Simons asked about the requirements from the City for testing for the RFs. Mr. Stamos said they are okay with the COA and have no problem with the requirement for additional monitoring.

**Bob Greene**, a resident of Sunnyvale, and President of Lakewood Pony Baseball spoke enthusiastically in support of the project as it will bring a new snack shack to their league. He requested that the league be included in the planning of the snack shack as there have been issues with the shack being broken into. He said they would like to make suggestion about the location of the door and the size of the windows as they design the shack to help in the reduction of break ins. He also noticed in the proposal that there is a suggestion of a restroom. He said that if a restroom could be incorporated that it would be wonderful. He also said there is a drainage problem right in front of the snack shack and if this issue could be addressed it would improve this area. He said he is also in support of the bush around the base of the pole to be consistent with the rest of the poles.

**Harriet Rowe**, a resident of Sunnyvale, referred to COA 1.L and requested that the condition be corrected as it refers to "Carlisle Way" which is incorrect. Staff confirmed that this would be corrected. Ms. Rowe suggested that polygon shaped snack shacks sometimes aide in faster lines for the customers. She said she agrees that the staff should work with the league in the design of the snack shack. Mr. Miner commented that the reference to Carlisle Way in Condition 1.L

is incorrect, but that the condition does apply and that the owner or operator shall maintain, at all times, a sign mounted on the door of their equipment room.

**Ms. Ryan** explained the relationship of the review of this item by the Commission. She said the Planning Commission is reviewing the tower, and the Parks and Recreation Commission is reviewing the snack shack and possible restroom. She said this is a unique project that different Board & Commissions have different roles.

**Comm. Klein** asked if it would be feasible to add a condition for the applicant to work with staff and the league when determining the design of the snack shack. Ms. Ryan said that would be appropriate.

**Carlin Davis**, with Lakewood Pony Baseball, expressed his concern that the plans do not indicate what kind of items would be within the snack shack to make sure the room is not just an empty room. He said they currently have a sink and other items and he would like to know where to find more information out about the plans for the interior of the snack shack.

**Mr. Stamos** said he concurs with Ms. Ryan's comments about coordinating with the various parties on the design. He said this is the Parks & Recreation Department's building and Cingular Wireless is just building the building. He said they are willing to put steel doors and screens to help prevent break-ins.

**Comm. Klein** asked staff if the interior of the structure is Parks and Recreation's responsibility. Mr. Miner said, yes, that everything with the snack shack belongs to the purview of Parks and Recreation. Staff said if the Planning Commission does have concerns regarding items related to the interior that these can be added in the motion to ask the Parks and Recreation staff to look at the particular issue.

**Comm. Simons** asked about the process and the involvement of the Parks and Recreation Department and whether there would be any concern about the building going in faster than the amenities. Ms. Ryan said the Parks and Recreation staff are quite interested in the project and will make sure the facilities are appropriate. Ms. Ryan said the Planning staff could follow up with the Parks and Recreation staff to make sure that the snack shack is not just a building.

**Chair Hungerford** clarified with the applicant that they are just building the four walls of the building.

**Chair Hungerford closed the public hearing.**

**Comm. Babcock** asked staff how to make sure that the corrected Negative Declaration, Attachment 3, is included. Ms. Ryan said that the item does not need to be addressed in the motion and that it will be correct.

**Comm. Klein** moved for **Alternative 2**, to approve the **Use Permit with modified conditions**. He said the modified conditions are: to modify **COA 1.L** as per staff's suggestion, to update the location of the sign to be mounted on the door of snack stand instead of the outside fence along Carlisle Way; to add a **COA 1.X** for the applicant to "Work with local leagues and staff to coordinate the construction schedule to allow operation of the snack shack during all periods of construction in relationship to the league games"; to add a **COA 1.Y** for the applicant to "Work with local league and staff for the location of doors, the type of doors and windows, and the size of window of the snack shack"; to add a **COA 1.Z** for the applicant to "Work with the Parks & Recreation staff to provide interior amenities similar to the current structure"; to add a **COA 3.E** for the applicant to provide a tree protection plan prior to the issuance of the Use Permit and an approved tree protection plan must be submitted to City staff. **Ms. Ryan** suggested to modify **COA 1.Z** for the applicant to "Work with the Park and Recreation staff on similar interior amenities as appropriate" as **Ms. Ryan** does not know if other agreements have been made regarding this issue. **Comm. Klein** directed staff to replace pages 3 and 4 of Attachment C with the appropriate Negative Declaration pages. **Comm. Simons** seconded the motion. **Comm. Simons** and **Comm. Klein** discussed **COA 1.T** and the possibility of allowing multiple carriers on this pole or limiting this pole to only one set of antenna. **Comm. Simons** offered a **Friendly Amendment** to modify **1.T** that this light pole would be restricted to one user, one set of antenna. **Comm. Klein** accepted the **Friendly Amendment**.

**Comm. Klein** said he was able to make the findings and that the idea of using City property to deal with the tower issues not as close to homes is good. He said this was an innovative solution to deal with the aging structure in the park and it will benefit the community. He commended the applicant for working with staff and for having multiple outreach meetings with the public. He said this would provide revenue for the City and improvements for the park.

**Comm. Simons** said he will be supporting the motion and the only concern he had with this project is the problem of strapping additional antenna on towers. He hopes in the future that they can minimize the number of towers in the City and work toward co-location and make the towers not as visible.

**Chair Hungerford** said he spent many an hour in a snack shack and is sympathetic to those working to design a useable snack shack.

<b>ACTION: Comm. Klein</b> made a motion on 2005-1097 to approve the Use Permit with modified conditions: to modify <b>COA 1.L</b> to update the location of the sign to be mounted on the door of the snack shack; to add a <b>COA 1.X</b> for the applicant to "Work with local leagues and staff to coordinate the
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construction schedule to allow operation of the snack shack during all periods of construction in relationship to the league games”; to add a COA 1.Y for the applicant to “Work with local league and staff for the location of doors, the type of doors and windows, and the size of windows in the snack shack”; to add a COA 1.Z for the applicant to “Work with the Park and Recreation staff on similar interior amenities as appropriate”; to add a COA 3.E for the applicant to provide a tree protection plan prior to the issuance of the Use Permit and an approved tree protection plan to be submitted to City staff; to modify 1.T that the light pole would be restricted to one user, one set of antenna. Comm. Simons seconded. Motion carried unanimously, 6-0.

**APPEAL OPTIONS:** This item is appealable to City Council no later than July 11, 2006.